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19 Attorneys for Plaintiff, ROBERTO RUIZ

20 UNITED STATES DISTRICT COURT  
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 \*E-FILED - 1/18/07\*

23 ROBERTO RUIZ,  
24 Plaintiff,  
25 vs.  
26 ATLANTIC MUTUAL INSURANCE  
27 COMPANY, a New York corporation,  
28 Defendant.

CASE NO.: 5:06-CV-04534 RMW

29 **AMENDED STIPULATION AND  
[PROPOSED] ORDER CHANGING  
TIME RE BRIEFING SCHEDULE AND  
UNDISPUTED FACTS ON MOTION  
FOR SUMMARY JUDGMENT**  
30 [LR 6-2; 56-2]

31 **STIPULATION**

32 This Amended Stipulation is submitted pursuant to Local Rule 6-2. This Stipulation  
33 changes the original request filed by the parties on December 7, 2006 (Dkt. #12) and the Minute  
34 Order filed December 7, 2006 (Dkt #13).

35 The parties request additional time to file the motion for summary judgment because they  
36 wish to have the motion submitted with verified amounts at dispute. Plaintiff is currently  
37 investigating the total amounts received to date relating to plaintiff's injuries.

1       The parties hereby stipulate that the amended briefing schedule for the filing of the  
2 Motion for Summary Judgment be:

- 3                     1. Plaintiff's motion due January 29, 2007;  
4                     2. Defendant's opposition due February 12, 2007;  
5                     3. Plaintiff's reply due February 19, 2007;  
6                     4. Defendant's sur-reply due February 26, 2007; and  
7                     5. Hearing date ~~March 9, 2007 at 9:00 a.m.~~

8       This stipulation may be executed in counter part.

9                     Pursuant to Local Rule 56-2, the parties further request that the Court permit the  
10 parties to submit a joint statement of undisputed facts on or before January 29, 2007.

11          There has been one previous time modification in this case (Dkt. #12, 13). The requested  
12 modifications would have no effect on the schedule of the case.

15          DATED: January 5, 2007

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STEVEN R. CAVALLI, ESQ.  
Attorneys for Plaintiff,  
ROBERTO RUIZ

20          DATED: January 5, 2007

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MARK E. INBODY, ESQ.  
Attorneys for Defendant,  
ATLANTIC MUTUAL INSURANCE  
COMPANY

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1 The parties hereby stipulate that the amended briefing schedule for the filing of the  
2 Motion for Summary Judgment be:

- 3 1. Plaintiff's motion due January 29, 2007;
- 4 2. Defendant's opposition due February 12, 2007;
- 5 3. Plaintiff's reply due February 19, 2007;
- 6 4. Defendant's sur-reply due February 26, 2007; and  
March 9, 2007 @ 9:00 a.m.
- 7 5. Hearing date ~~March 5, 2007 at 9:00 a.m.~~

8 This stipulation may be executed in counter part.

9 Pursuant to Local Rule 56-2, the parties further request that the Court permit the  
10 parties to submit a joint statement of undisputed facts on or before January 29, 2007.

11 There has been one previous time modification in this case (Dkt. #12, 13). The requested  
12 modifications would have no effect on the schedule of the case.

13  
14 DATED: January 5, 2007

  
STEVEN R. CAVALLI, ESQ.  
Attorneys for Plaintiff,  
ROBERTO RUIZ

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19 DATED: January 5, 2007

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28 MARK E. INBODY, ESQ.  
Attorneys for Defendant,  
ATLANTIC MUTUAL INSURANCE  
COMPANY

///

1 Based on the foregoing stipulation, the Court hereby enters the following **ORDER:**

2 1. The briefing schedule for the Motion for Summary Judgment shall be:

- 3 1. Plaintiff's motion due January 29, 2007;
- 4 2. Defendant's opposition due February 12, 2007;
- 5 3. Plaintiff's reply due February 19, 2007;
- 6 4. Defendant's sur-reply due February 26, 2007; and  
7 March 9, 2007 @ 9:00 a.m.
5. Hearing date ~~March 5, 2007 @ 9:00 a.m.~~

8 2. The parties are to submit a joint statement of undisputed facts on or before  
9 January 29, 2007.

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11 PURSUANT TO STIPULATION, IT IS SO ORDERED this 18 day of January,  
12 2007.

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*Ronald M. Whyte*  
DISTRICT COURT JUDGE

Doc. #36803

1                   **PROOF OF SERVICE BY ELECTRONIC SERVICE**

2                   (Code of Civil Procedure §§ 1010.6 & 2015.5, California Rules of Court, Rule 2060)

3                   I, the undersigned, declare that I am employed in the County of Alameda, State of  
4                   California. I am over the age of eighteen years and not a party to the within action; my business  
5                   address is Selvin Wraith Halman LLP, 505 14th Street, Suite 1200, Oakland, California 94612.

6                   On January 05, 2007, I served the attached:

7                   Amended Stipulation and Proposed Order Changing Time re Briefing Schedule and Undisputed  
8                   Facts On Motion For Summary Judgment

9                   on the persons named below in said cause, by transmitting a true copy thereof via electronic file  
10                  transfer to Lexis/Nexis File & Serve for service on all parties in this case pursuant to applicable  
11                  statutes, local rules and/or order of this Court.

12                  Mr. Steven R. Cavalli  
13                  Gwilliam, Ivary, Chiosso, Cavalli & Brewer  
14                  1999 Harrison Street, Suite 1600  
15                  P.O. Box 2079  
16                  Oakland, CA 94612-3528  
17                  Telephone: (510) 832-5411  
18                  Facsimile: (510) 832-1918  
19                  E-Mail: scavalli@giccb.com

Plaintiff  
ROBERT RUIZ

20                  I declare under penalty of perjury under the laws of the State of California that the  
21                  foregoing is true and correct and that this declaration was executed at Oakland, California, on  
22                  January 05, 2007.

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24                  \_\_\_\_\_  
25                  KATHRYN SHAHIN  
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